

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<b>JUSTIN PLATT and</b>	:
<b>ANTOINETTE PLATT, h/w</b>	:
1823 Normandy Avenue	:
Deptford, NJ 08096	:
	:
v.	:
	:
<b>CONSOLIDATED RAIL CORPORATION</b>	:
1717 Arch Street, 32 <sup>nd</sup> Floor	:
Philadelphia, PA 19103	:
and	:
<b>NORFOLK SOUTHERN RAILWAY</b>	:
<b>COMPANY a/k/a NORFOLK SOUTHERN</b>	:
<b>CORPORATION</b>	:
Three Commercial Place	:
Norfolk, VA 23510	:
and	:
<b>CSX TRANSPORTATION, INC.</b>	:
500 Water Street, 15 <sup>th</sup> Floor	:
Jacksonville, FL 32202	:

Plaintiffs, Justin Platt and Antoinette Platt, by and through their attorney, Peter J. McNamara, Esquire, by way of Complaint against the Defendants state as follows:

1. Plaintiffs, Justin Platt and Antoinette Platt, are individuals, husband and wife, residing at 1823 Normandy Avenue, Deptford, NJ 08096.
2. Defendant, Consolidated Rail Corporation (hereinafter "Conrail"), is a business incorporated in the Commonwealth of Pennsylvania with offices located at 1717 Arch Street, 32<sup>nd</sup> Floor, Philadelphia, PA 19103.
3. Defendant, Norfolk Southern Railway Company also known as Norfolk Southern Corporation, is a business incorporated in the State of Virginia with offices located at Three Commercial Place, Norfolk, VA 23510.
4. Defendant, CSX Transportation, Inc., is a business entity with corporate headquarters

located at 500 Water Street, 15<sup>th</sup> Floor Jacksonville, FL 32202 and an office for the service of legal process at 2704 Commerce Drive, Suite B, Harrisburg, PA 17110.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332. The parties are citizens of different states and the amount of controversy is in excess of \$75,000.00. Jurisdiction is based upon diversity of citizenship.

6. At all times relevant herein, the Defendants were responsible for the maintenance and upkeep of a bridge which crossed the Mantua Creek in Paulsboro, NJ, also known as the Paulsboro Bridge.

7. On November 30, 2012, a train operated by the Defendants proceeded to cross the Paulsboro Bridge despite the presence of a red signal.

8. At all times relevant herein, the Defendants acted and/or failed to act through the acts and/or omissions of their agents and/or employees including those individuals responsible for the maintenance and upkeep of the subject bridge, those individuals on the train crew who proceeded across the bridge despite the presence of a red signal and those individuals who participated in the decision process that resulted in the train attempting to cross the bridge while the red signal was still present.

9. On November 30, 2012, while traveling across the bridge, the train derailed spilling vinyl chloride from one of the tank cars.

10. On November 30, 2012, in his capacity as an employee of Clancy and Associates, an engineering and surveying company located in National Park, NJ, on Crown Point Road, when he encountered the vinyl chloride which had been released by the aforementioned derailed train, causing Plaintiff, Justin Platt, to be exposed to vinyl chloride.

11. This accident and the injuries suffered by the Plaintiff was caused by the individual, joint and vicarious negligence of the Defendants in that they:

- (a) Permitted the train to derail;

- (b) Ignored the red signal that was present prior to proceeding across the bridge;
- (c) Allow the train to cross the bridge despite the presence of the red signal;
- (d) Failed to properly maintain the bridge in question;
- (e) Failed to properly inspect the bridge in question;
- (f) Permitted vinyl chloride to escape from one of the tank cars.

**COUNT I**  
**Plaintiff, Justin Platt v. Defendants**  
**Negligence**

12. Plaintiff, Justin Platt, incorporates by reference paragraphs 1 through 11 as though fully set forth herein at length.

13. As a result of the individual, joint and/or vicarious negligence of the Defendants as aforesaid, Plaintiff, Justin Platt, has suffered injuries and damages including:

- (a) Exposure to vinyl chloride;
- (b) Respiratory distress;
- (c) Skin disorders;
- (d) Pain and suffering;
- (e) Financial losses including medical expenses and wage loss;
- (f) Loss of enjoyment of life's pleasures;
- (g) Embarrassment and humiliation.

WHEREFORE, Plaintiff, Justin Platt, demands damages from Defendants, Consolidated Rail Corporation, Norfolk Southern Railway Company a/k/a Norfolk Southern Corporation and CSX Transportation, Inc., individually, jointly and/or vicariously for such sums that would reasonably and adequately compensate him together with interest and costs of these legal proceedings.

**COUNT II**  
**Plaintiff, Antoinette Platt v. Defendants**  
**Loss of Consortium**

14. Plaintiff, Antoinette Platt, incorporates by reference paragraphs 1 through 13 as though

fully set forth herein at length.

15. At all times relevant herein, Plaintiff, Antoinette Platt, was the wife of Plaintiff, Justin Platt, and as the result of the injuries sustained by Plaintiff, Justin Platt, Plaintiff, Antoinette Platt, has been deprived of the society, aid and companionship of her husband to her great detriment and loss.

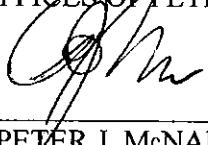
WHEREFORE, Plaintiff, Antoinette Platt, demands damages from Defendants, Consolidated Rail Corporation, Norfolk Southern Railway Company a/k/a Norfolk Southern Corporation and CSX Transportation, Inc., individually, jointly and/or vicariously for such sums that would reasonably and adequately compensate her together with interest and costs of these legal proceedings.

**JURY DEMAND**

**PLEASE TAKE NOTICE** that the Plaintiffs in the within action hereby demand a Trial by Jury as to all issues pursuant to the Rules of the Court.

LAW OFFICES OF PETER J. McNAMARA

BY:

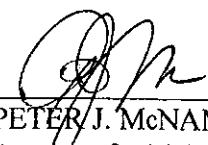
  
PETER J. McNAMARA, ESQUIRE  
Attorney for Plaintiffs  
325 Chestnut Street, Suite 710  
Philadelphia, PA 19106  
(215) 922-1400

**DESIGNATION OF TRIAL COUNSEL**

**PLEASE TAKE NOTICE** that Peter J. McNamara, Esquire, is hereby designated as Trial Counsel in this matter.

LAW OFFICES OF PETER J. McNAMARA

BY:

  
PETER J. McNAMARA, ESQUIRE  
Attorney for Plaintiffs  
325 Chestnut Street, Suite 710  
Philadelphia, PA 19106  
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